THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.3580 OF 2006

Dt.10.3.2006

Between:

Bonla Mallayya … Petitioner

And

The Special Collector cum Land Acquisition
Officer for Suddavagu and Mattadivagu Project,
Nirmal, Adilabad District and others. … Respondents

ORDER:

Petitioner seeks writ of mandamus directing the respondent No.1 herein to refer the Land Acquisition matter pertaining to the acquisition of Ac.3.09 guntas of land situated in Sy.No.16/B and another Ac.2.21 guntas land situated in Sy.No.40/A of Umdam Village, Talamadugu Mandal, Adilabad District for the purpose of Mattadivagu Projet to the competent civil court under Section 31 of the Land Acquisition Act and consequently declare the action of respondent No.1 in not conducting proper enquiry in the said land acquisition matter according to the provisions of L.A.Act and not referring the said dispute to the competent civil court as illegal and arbitrary.

The case of the petitioner is that land acquisition proceedings have been initiated for acquiring land to an extent of Ac.3.09 Guntas in Sy.No.16/B and another land to an extent of Ac.2.21 Guntas in Sy.No.40/A situated at Umdam Village, Talamadugu Mandal, Adilabad District for the purpose of Mattadivagu Project. The petitioner is the son of respondent No.2 through his first wife and respondents 4 to 6 are sons of the 2nd respondent through his second wife, respondent No.3. It is stated that the said lands have been partitioned 20.11.1998 by executing a registered partition deed and the agricultural land to an extent of Ac.3.09 guntas situated in Sy.No.16/B of Umdam village has been fallen to the share of the petitioner. It is further stated that another land to an extent of Ac.2.21 guntas in Sy.No.40/A of Umdam village was also given to the petitioner by his father. It is stated that the first respondent is acquiring the said lands for the purpose of Mattadivagu Project.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition on behalf of the first respondent.

Admittedly, no document with regard to the partition deed executed by the father of the petitioner has been filed. Whether the petitioner is one of the shareholders on par with other sons of the 2nd respondent or the petitioner is entitled for compensation of the said land are all matters to be decided by the Land Acquisition Officer before whom petition is said to have been filed by the petitioner on 2.2.2006.

Having regard to the facts and circumstances of the case, without expressing any merits of the case, the first respondent is directed to consider and dispose of the said representation dated 2.2.2006 after giving reasonable opportunity to the petitioner as well as to respondents 2 to 6 in accordance with law.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

10.3.2006

Note: Issue copy within two days

B.O.

13.3.2006